



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.us

FAX 410-313-3467

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June 18, 2007

TECHNICAL STAFF REPORT

*Petition Accepted on March 16, 2007
Planning Board Meeting of July 5, 2007
Zoning Board Hearing to be scheduled*

Case No./Petitioner: ZB 1067M – Convenience Retailing, LLC

Location: Third Election District
Southwest corner of the Birmingham Way intersection with Warwick Way
Tax Map 16, Grid 5, Parcel 429, Parcel B; 2101 Warwick Way
(the "Property")

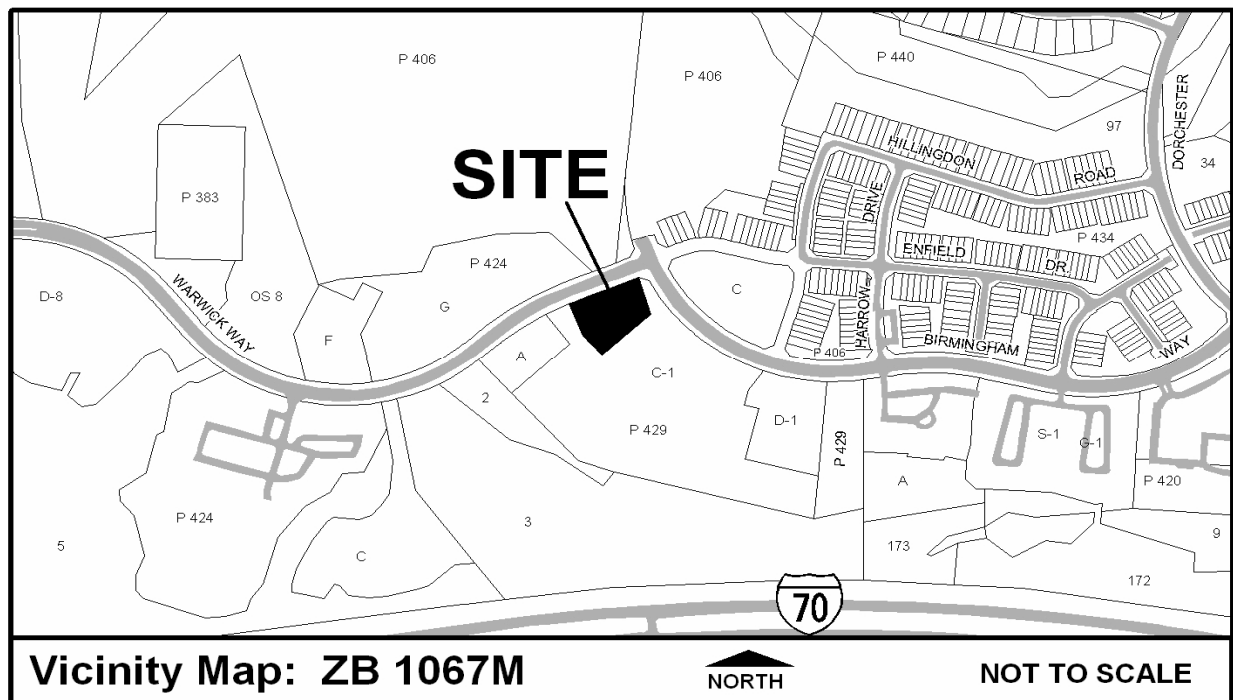
Area of Site: 1.0 acre

Current Zoning: B-1

Proposed Zoning: PEC, with Site Plan Documentation for a gasoline service station with a car wash and a convenience store.

Department of Planning and Zoning Recommendation:

APPROVAL



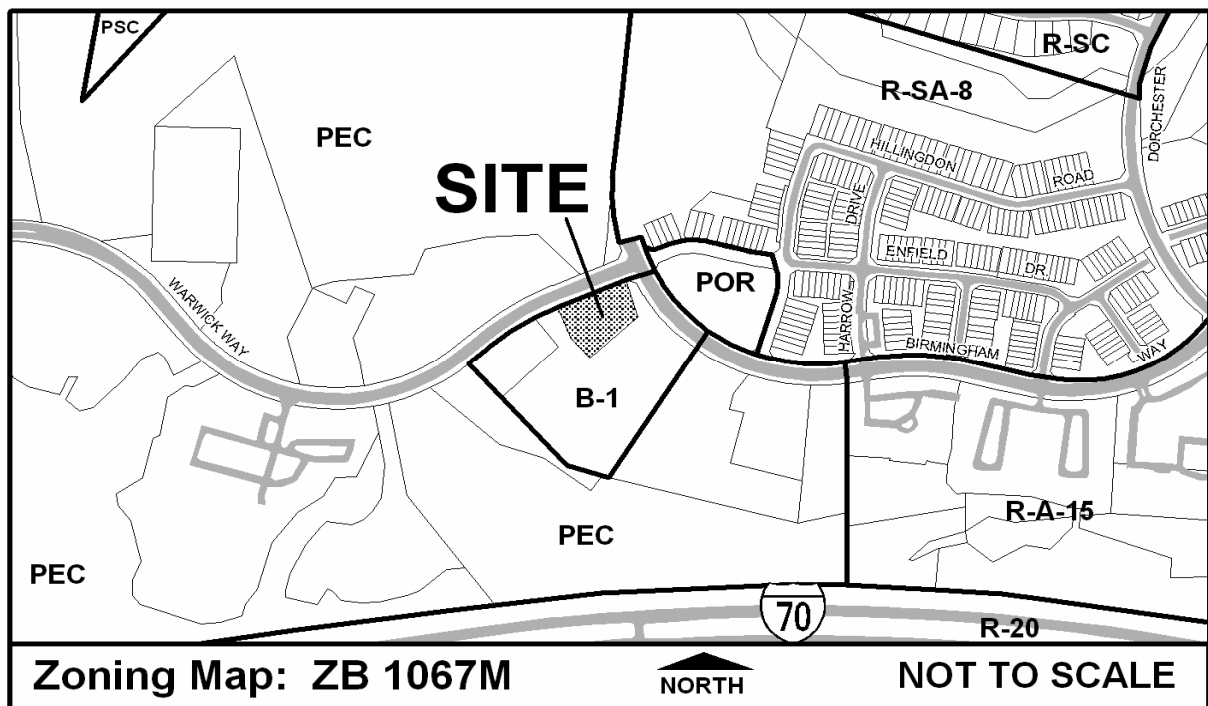
I. DESCRIPTION OF PROPOSAL

- # The Property is an open, undeveloped parcel adjoining the parking lot of the existing Waverly Woods Village Center shopping center, at the intersection of Birmingham Way and Warwick Way in Waverly Woods. The Petitioner proposes a Zoning Map Amendment to rezone the Property from the current B-1 (Business: Local) district designation to the PEC (Planned Employment Center) district for the purpose of developing the Property for a principal gasoline service station use.

Allegations of both mistake in zoning and change in the character of the neighborhood are given by the Petitioner to justify the proposed map amendment.

- # On the issue of change in the neighborhood, the Petitioner's basic contentions are presented on Page 6 and Page 7 of the Supplement to Petition to Amend Zoning Map (the "Supplement") which was submitted with the original petition on February 6, 2007 [Please note that there is also a later, similarly-named document entitled Addendum to Supplement to Petition to Amend Zoning Map (the "Addendum") that addresses the criteria for the site plan documentation.]

Earlier in the Supplement, the Petitioner defines the neighborhood for the Property as being bounded by "...the Alpha Ridge Landfill to the west, the eastern edge of Waverly Woods Community 9 which is residential and extends approximately 2 miles from the site); Maryland Route 99 to the north, and Interstate I-70 to the south."



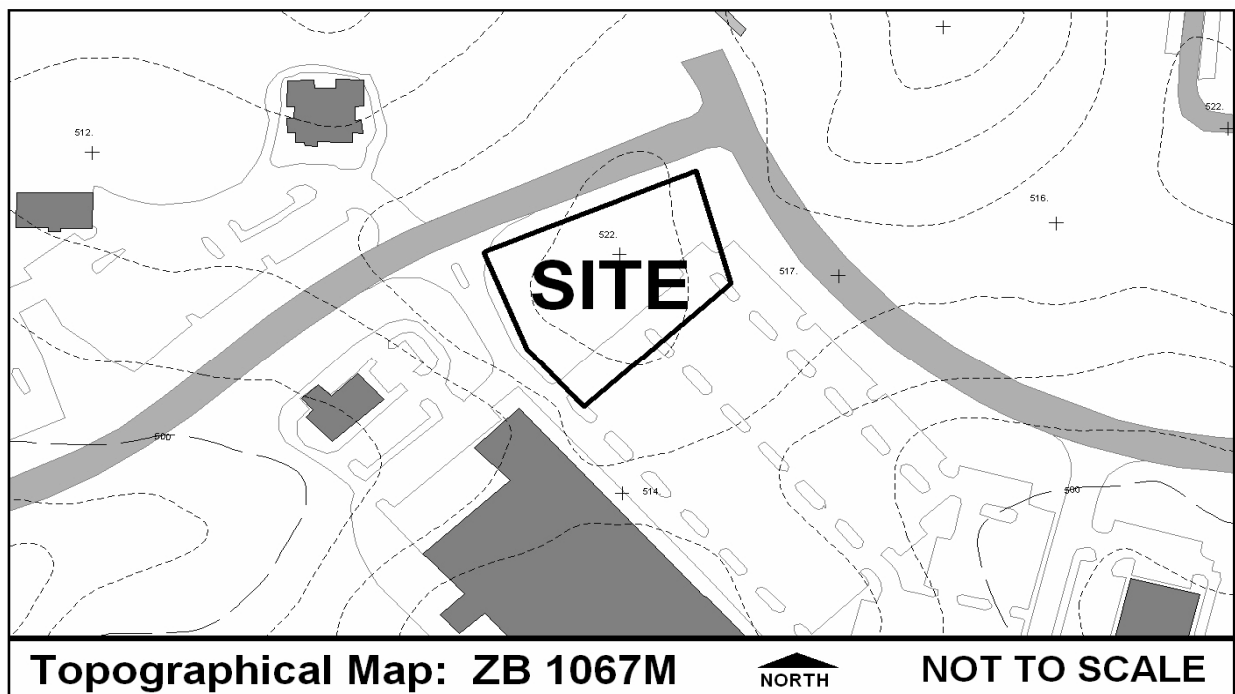
I. DESCRIPTION OF PROPOSAL (continued)

- # **The Petitioner lists 12 zoning-related actions that have occurred in this defined neighborhood, from the 1990 General Plan designation of areas of the neighborhood as being in the Planned Service Area for water and sewer, to the 2004 Comprehensive Zoning Plan rezoning of approximately 3 acres at the southwest corner of the MD 99 intersection with Marriottsville Road to POR and a 9 acre site to the east of Marriottsville Road [actually on the south side of MD 99 near Woodstock Road] to R-SA-8.**

The Petitioner then declares that "...the totality of the changes which have occurred in the neighborhood can and should affect the issue of change in the character of the neighborhood with respect to the 2004 Comprehensive Zoning."

On Page 7 of the Supplement, the Petitioner notes that primarily due to the two approved Planned Senior Community map amendment cases [ZB 1018M and ZB 1027M] in the neighborhood, the character of the area has changed to "...favor residential..." over the original principally commercial character of most of Waverly Woods.

- # **The allegation of mistake in zoning is not expressed quite as directly in the Supplement, but instead must be inferred based upon several statements related to the proposal for a gasoline service station use, which are permitted on PEC land either by Conditional Use approval or by the approval of a documented site plan in a rezoning to PEC.**



PETITIONER: Convenience Retailing, LLC

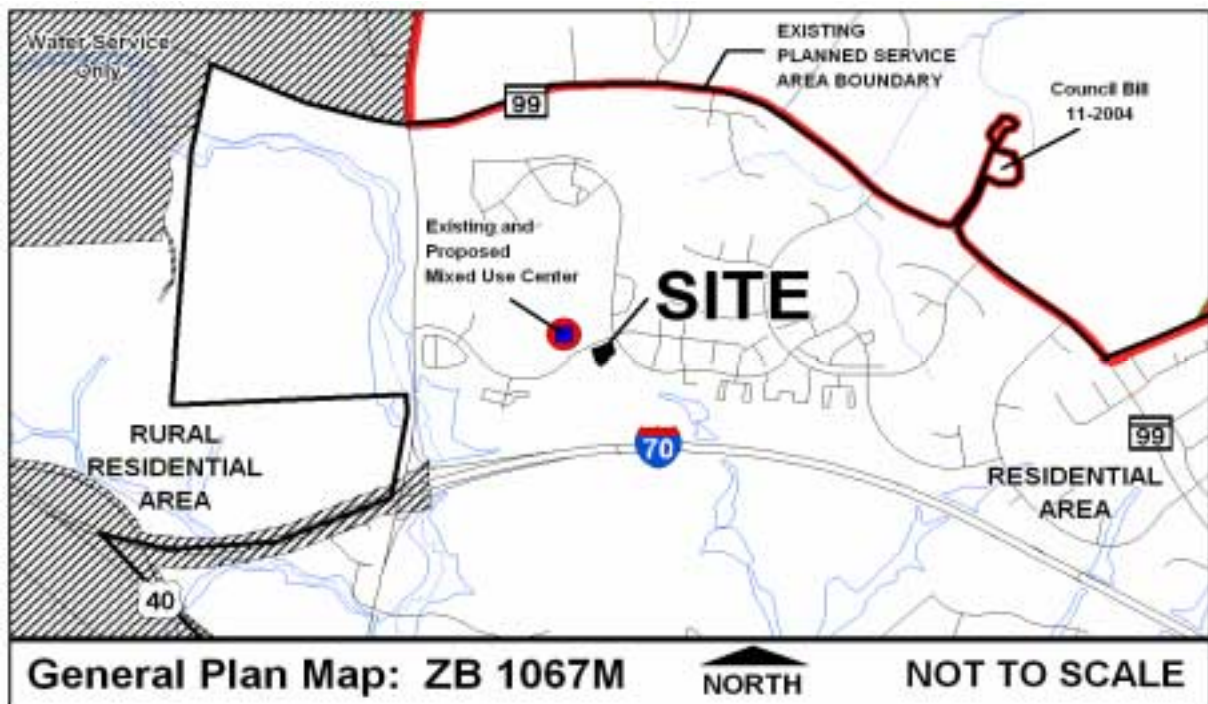
I. DESCRIPTION OF PROPOSAL (continued)

- # As noted above, the Petitioner explains that the neighborhood is now primarily residential, and on Page 7 of the Supplement, it is stated that the "...area residents do not have a gas station in close proximity to their residences." The Petitioner adds to this by mentioning several items:

That the Property was allegedly specifically reserved for a gasoline service station in designing the shopping center.

That an earlier Special Exception case for a gasoline service station on PEC property located at the intersection of Marriottsville Road and Warwick Way was opposed by the Department of Planning and Zoning ("DPZ"), but that in that case, DPZ recognized a need for a gasoline service station in the area and suggested that the most appropriate location would be at the village center site. [This 1999 case is specifically addressed below in the Evaluations and Conclusions section of this Technical Staff Report.]

That Maryland zoning law recognizes that a more liberal interpretation of the mistake and/or change issues may be applied in cases where the proposed rezoning is from one commercial zoning category to another commercial category.



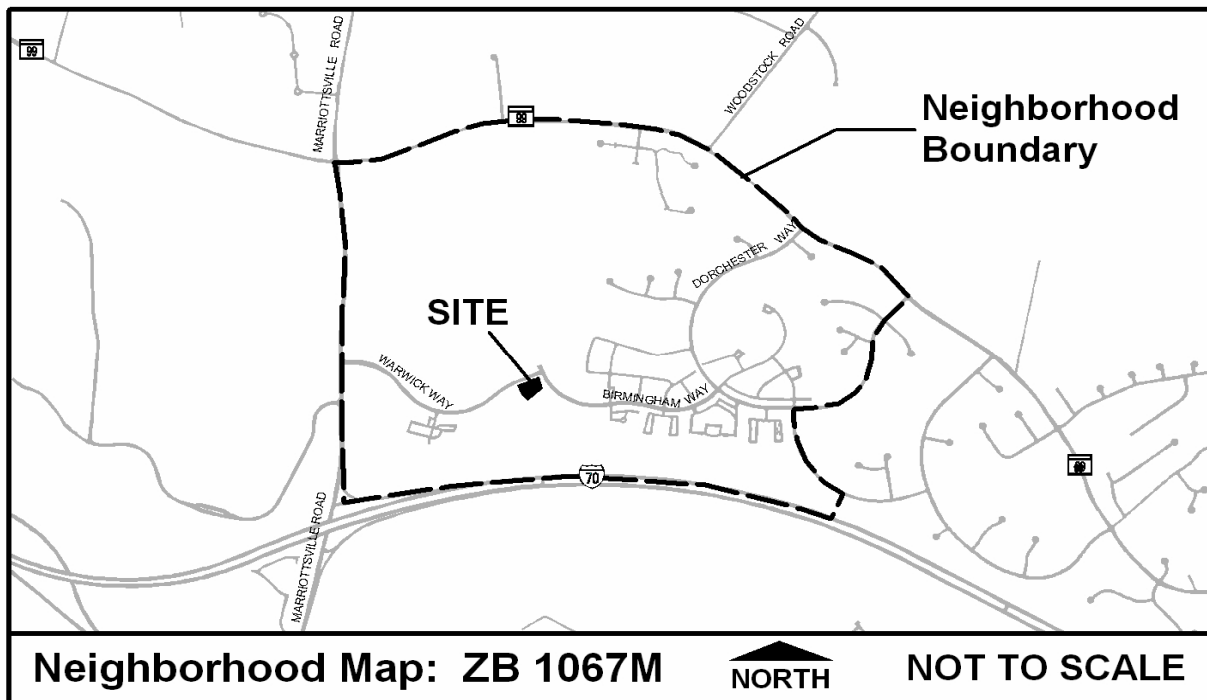
I. DESCRIPTION OF PROPOSAL (continued)

- # Alluding to the 2004 Comprehensive Zoning Plan (the “2004 CZP”) the Petitioner then implies or states that the County Council should have known that a gasoline service station “...can only go into a B-2 or PEC zoning district”; that the Council “...knew from their adoption of PEC that a gasoline service station was needed...” at this village center; that the Council failed to consider the other PEC commercial uses along Warwick Way; and therefore, the Council should have rezoned the Property from B-1 to PEC in the 2004 CZP.

II. SITE PLAN DOCUMENTATION

- # The Property is proposed to be developed with a gasoline service station with a car wash and a convenience store (the “Gas Station”) as shown on the plan entitled “Zoning Site Plan - GTW’s Waverly Woods – Waverly Gas Station”, submitted on March 13, 2007 (the “Documented Site Plan” or the “DSP”). Based on the DSP, the components of this Gas Station would be as follows:

A main building, approximately 30 feet by 122, which would be parallel to and approximately 30 feet from the Warwick Way right-of-way, and which would contain a 2,000 square foot, three-bay vehicle service facility, and a 1,680 square foot area with a 1,000 square foot convenience store and 680 feet for office, restroom, and storage areas. [Page 2 of the Supplement notes the area of the vehicle service facility as 2,800 square feet, which is assumed to be an error.]



II. SITE PLAN DOCUMENTATION (continued)

To the southwest of and perpendicular to the main building, a 24 foot by 45 foot car wash building. The single stacking lane for this car wash runs from the northeast area of the Property, around the north side of the main building between that building and a landscape buffer along Warwick Way, to the car wash entrance on the north side of that building.

A fuel dispensing area consisting of five multi-product dispensers, for a total of 10 fueling spaces, would be located to the south of the main building, between that building and the shopping center parking lot. The dispenser islands are depicted perpendicular to the main building, and arranged under a canopy in an angle from northeast to southwest. The canopy would also run to the north to the main building.

- # **For the Gas Station uses as proposed, the required parking is 14 parking spaces, and the DSP indicates 15 parking spaces on the site; eight in front of the main building, and seven in the northeast area of the site. There are wide, open vehicle circulation areas in between the parking spaces and the fuel dispensers. Additional parking spaces would be available within the adjoining shopping center parking lot.**

- # **The most immediate access into the Gas Station site would be from the adjoining, existing driveway into the shopping center from Warwick Way to the west. Vehicles entering the shopping center from Warwick Way could enter the Gas Station at the southwest corner of the Property.**

There is no direct access from the Gas Station site to Birmingham Way. From Birmingham Way, vehicles would have to enter the shopping center parking lot from the existing driveway, and then proceed through the shopping center parking lot to reach the Gas Station. The pavement of the Gas Station circulation areas would directly adjoin the paving of the shopping center parking lot, with no separating curbs.

- # **The architectural design of the Gas Station would compliment the design of the existing parking lot. On Exhibit B, elevations depict the general nature of the architectural design.**

One feature of the design is that the building entrances and service bays are oriented to face south, towards the shopping center parking lot. The Warwick Way elevation then serves as a complete screen that blocks the activity and lighting within the fuel dispensing area and parking area from Warwick Way.

- # **Addressing other required information concerning the operation of the proposed use, the Petitioner explains that the vehicle service bays of the Gas Station would operate from 9:00 a.m. to 5:00 p.m. Monday through Friday, and from 9:00 a.m. to 2:00 p.m. on Saturdays.**

II. SITE PLAN DOCUMENTATION (continued)

The “gas station and convenience store” portions of the use are said to operate from “5 am to 12 pm”, and this is assumed to really mean from 5:00 a.m. to midnight each day of the week. The Petitioner should clarify a few matters related to these stated hours of operation;

Does the sale of fuel completely cease during the non-operational period of the day or are the fuel dispensers open at all times for credit/debit card sales?

Does the anticipated site and canopy lighting stay on during the non-operational hours?

Does the car wash close at midnight or does it operate at all times?

- # **The vehicle service function would have one service manager and three service technicians; the other functions would operate with two employees in a morning shift from 5:00 a.m. to 10:00 a.m., two employees in an early evening shift from 4:00 p.m. to 6:00 p.m., and one employee at all other times.**

III. ZONING HISTORY

- # **Due to the relatively small size of the Property within the larger Waverly Woods neighborhood, the zoning history of the Property and of all the surrounding properties is similar and uncomplicated.**

In the 1949 initial zoning for Howard County, the current Waverly Woods neighborhood was zoned Residential; in the 1954 Comprehensive Zoning Plan it became zoned R (Residential); in the 1961 Comprehensive Zoning Plan it became zoned R-20; and in the 1977 and 1985 Comprehensive Zoning Plans, the area was zoned R (Rural).

- # **On March 22, 1993 with the approval of Zoning Board Case No. 929M, which became ZB 929S because it had site plan documentation, the original zoning of Waverly Woods was established on over 682 acres (the “Original Zoning”).**

Waverly Woods was intended to be a type of mixed-use development using a combination of regular zoning districts, instead of using a single overall mixed use district. At that time, the MXD (Mixed Use) District was a concept being considered as part of the 1993 Comprehensive Zoning Plan process, but the MXD regulations did not become effective until much later in October, 1993.

The original breakdown of zoning districts, since changed by several later map amendments in the neighborhood was 372.15 acres PEC District; 8.50 acres B-1 District, 82.75 acres R-20 District, 68.50 acres R-SC District, 107.68 acres R-SA-8 District, and 42.60 acres R-A-15 District. As these amounts indicate, a large portion of the development was originally intended for office and other PEC development, although much PEC land was to be used for a golf course.

III. ZONING HISTORY (continued)

- # **In the Original Zoning case, a village center was fully intended for this southeast corner of what currently are Warwick Way and Birmingham Way. As proposed by the petitioner of that case, GTW Joint Venture, and as ultimately approved, the village center site was comprised of a B-1 District area in the western “half”, and PEC in the eastern remainder.**

So the Property, and the immediate adjoining areas of the village center site to the east, south and southwest were zoned B-1 by ZB 929S, and have retained that B-1 zoning in the 1993 Comprehensive Zoning Plan and the 2004 CZP. A copy of an exhibit of the Original Zoning case, depicted the basic design of the village center, is attached to this Technical Staff Report.

- # **To the northwest of the Property, across Warwick Way, the land was zoned PEC by the Original Zoning case, and this PEC zoning has been maintained since that time.**
- # **All the land to the northeast of the Property, across Birmingham Way, was zoned R-SA-8 by the Original Zoning case. In 2001, Zoning Board Case No. 1003M rezoned a 2.32 acre portion of this R-SA-8 area directly across Birmingham Way to POR, with a Documented Site Plan for a housing for the elderly development. This POR zoning on that site has been retained to date, although in Zoning Board Case 1037M in 2004, the Documented Site Plan was amended to change the use to 102 units of moderate-income, age-restricted adult housing.**
- # **The PEC zoning of the remainder of the village center to the east, and of the golf course area located between the village center and I-70 to the south, remains the same as approved in 1993 in the Original Zoning case.**

IV. BACKGROUND INFORMATION

A. Site Description

- # **Currently, the irregularly-shaped Property is principally a relatively level, previously graded open lawn area. There are several trees and groupings of landscaping along the two roads, and there is a sign structure near the Warwick Drive entrance into the shopping center.**

B. Vicinal Properties

- # **To the northwest of the Property, across Warwick Way, is a portion of the Waverly Woods golf course and a clubhouse building. Again, this land is zoned PEC.**
- # **Immediately to the northeast and east across Birmingham Way is the POR zoned site which is developed with a multi-story, age-restricted adult housing apartment building. Beyond this to the northeast and east are single-family attached dwellings on R-SA-8 zoned lots along local streets.**

IV. BACKGROUND INFORMATION (continued)

- # **The adjoining property to the southeast, south, and southwest is the existing village center development. The parking lot is to the southeast, to the south is the grocery store portion of the shopping center, and to the southwest is the site of a bank.**

C. Roads

- # **Warwick Way has approximately 38 feet of paving within an existing 80 foot wide right-of-way. The posted speed limit is 30 miles per hour.**
- # **The estimated sight distance from the existing Warwick Way driveway entrance is more than 650 feet to the southwest and approximately 330 feet to the northeast to the intersection of Warwick Way and Birmingham Way.**

Precise sight distance measurements may only be determined through a detailed sight distance analysis. However, the existing driveway was previously approved as acceptable for the shopping center development, and the Gas Station development does not propose any new road connections.

- # **There is no traffic volume data available for Warwick Way.**

D. Water and Sewer Service

- # **The Property is in the Metropolitan District and is within the Existing Service Area for Water and the 0 to 5 Year Service Area for Sewer according to the Geographic Information System Maps as of June 12, 2007. The proposed Gas Station development on the Property would be served by public water and sewer facilities.**

E. General Plan

- # **The Property is designated Residential Areas and Mixed Use Center on the Policies Map 2000-2020 of the 2000 General Plan.**
- # **Warwick Way is depicted as a local road on the Transportation Map 2000-2020 of the 2000 General Plan.**

F. Subdivision Review Committee

- # **As required by Section 100.G.2.c. of the Zoning Regulations, the site plan documentation included with this petition was evaluated by the Subdivision Review Committee ("SRC"). Subsequent to this evaluation, on March 16, 2007, the Department of Planning and Zoning certified that the development shown on the proposed site plan has the potential to comply with all technical requirements of the reviewing agencies, without substantial changes to the plan, in subsequent subdivision and site development plan stages of review.**

Please refer to the attached memorandum and SRC member comments.

IV. BACKGROUND INFORMATION (continued)

G. Adequate Public Facilities Ordinance

- # **The petition is subject to the Adequate Public Facilities Ordinance. A site development plan for the proposed development is subject to the requirement to pass the test for adequate road facilities.**

V. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- # **Approximately one-half of the Waverly Woods village center is already zoned PEC, and there is PEC zoning adjoining the Property along Warwick Way to the northwest, and it is also PEC to the southwest past the existing bank site.**

In consideration of the general zoning district pattern in this area, extending the PEC zoning from the northwest into the Property is not illogical, and such a rezoning and the development of the Property for the Gas Station use would be in accordance with the Mixed Use Area designation for Waverly Woods.

- # **The petition to rezone the Property to PEC and to develop it for the Gas Station use within a Mixed Use Center is in harmony with the Balanced and Phased Growth Policy No. 4.4 to “Make efficient use of land resources for long-term economic growth”, and also Policy No. 4.5 to “Encourage economic growth, provide job opportunities for County residents and ensure the County’s fiscal health.”**

There are many examples of gasoline service stations located in village center shopping centers in the NT District, the original mixed use concept in Howard County, and at least one current example in a retail employment area of the MXD District. Locating these uses in this way concentrates the needed day-to-day commercial retail and commercial service activities in one distinct destination, and leaves other commercially-zoned land available for other purposes.

Another important factor, and one reason gasoline service stations are allowed in the PEC District by Conditional Use or by Documented Site Plan, is that gasoline service station uses not only serve the needs of residents in a mixed use center but also serve the needs of the employees working within the mixed use center. Having a convenient gasoline service station would be a benefit to the office and other businesses in Waverly Woods.

- # **The proposed DSP and the architectural design for the Gas Station are in keeping with the Community Conservation and Enhancement Policy No. 5.10 to “Improve the design of commercial areas.”**

V. EVALUATIONS AND CONCLUSIONS (continued)

B. 1999 Special Exception Case for a Gasoline Service Station

- # Board of Appeals Case No. 99-04E was a Special Exception for a gasoline service station with a convenience store and a car wash that was proposed for a site at the southeast corner of the Warwick Way intersection with Marriottsville Road.**

The Department of Planning and Zoning strongly recommended denial for this case due to the proximity of the property to the historic Waverly site; because the gas station development along Marriottsville Road would be highly conspicuous and would have a negative effect on the appearance of that road; because it would diminish the overall design character of Waverly Woods to have such a use at a major entrance into the development, and other reasons.

- # In its evaluation of the petition for this gasoline service station, DPZ emphasized that “The village center is the most appropriate location for a gasoline service station within this development, as it is strategically located between the residential and employment components of the development, and located on roads constructed to sufficient standards to accommodate the uses. Construction of a gasoline service station outside of the village center area is not conducive to the logical development of the mixed use area. The proposed village center would be a more suitable location than the proposed site, which is surrounded by a golf course, the environmentally sensitive Little Patuxent River corridor, a key historic site and an open space lot dominated by floodplains and wetlands.”**

C. Change in the Character of the Neighborhood

- # The Department of Planning and Zoning defines the boundary of the neighborhood as depicted on the map on Page 5.**

Except for its western boundary, which ends at Marriottsville Road, the DPZ “neighborhood” is similar to the boundaries defined by the Petitioner. The reasons the DPZ boundary does not go beyond Marriottsville Road are because the small size and location of the Property do not have any direct relation to the land west of Marriottsville Road, and because the Waverly Woods land west of Marriottsville Road is not developed, and is part of the Waverly Woods neighborhood by name only.

- # As noted earlier in this Technical Staff Report, there is legal precedent in Maryland whereby it is recognized that when a proposed piecemeal zoning map amendment is a proposal to reclassify an existing commercially-zoned property to a different commercial zone, a decision on whether the proposal meets the test of change in the character of the neighborhood may be made much more liberally than if the proposal was to rezone a residential property to a commercial zone.**

V. EVALUATIONS AND CONCLUSIONS (continued)

C. Change in the Character of the Neighborhood (continued)

The logic of this is evident, because if a property is already considered to be appropriate for one commercial zone, either because of its original zoning or because of a subsequent zoning change, a shift to a different commercial zoning category often would be a subtle distinction and not a drastic transformation of the assumed correct zoning of the vicinity.

- # The original, or existing zoning for Waverly Woods including the Property, was principally established with the Original Zoning case, ZB 929S, in 1993. Since that time, some changes in the neighborhood have been caused by two zoning map amendments.**

Zoning Board Case 1003M rezoned a R-SA-8 zoned property located across Birmingham Way to POR for the development of housing for the elderly. This change was augmented by the associated later ZB 1037M for the same site, which increased the density for an age-restricted, moderate income apartment development, which was constructed.

Zoning Board Case No. 1018M rezoned 53.97 acres in the northwestern area of the neighborhood from PEC to the PSC (Planned Senior Community) District for an age-restricted adult housing development with a total 325 new dwelling units.

- # Together, ZB 1003M (plus ZB 1037M) and ZB 1018M have caused an element of change by adding residential density to the defined Waverly Woods neighborhood that was not part of the Original Zoning case. Even without consideration of the land to the west of Marriottsville Road which changed to PSC in 2003, this slight neighborhood change is enough, in combination with the lack of existing gasoline service station services within a convenient distance of the neighborhood residences and the prior finding of DPZ that the village center is the most appropriate location for such a use, to justify the proposed rezoning to PEC.**

As noted above, because PEC zoning currently adjoins the northwest side of the B-1 zoned Property along Warwick Way, the change in zoning to PEC is not that significant, and would essentially mean shifting the PEC District Map Line approximately 210 feet or less to the southeast, into the village center site.

D. Mistake in the Existing Zoning

- # The existing B-1 zoning of the Property was established as proposed in the Original Zoning case in March, 1993. The later 1993 Comprehensive Zoning Plan and the 2004 CZP simply maintained the original B-1 zoning, because there were no proposals to change the zoning of the Property in any way during the comprehensive processes. On this basis there is no justification for mistake.**

V. EVALUATIONS AND CONCLUSIONS (continued)

D. Mistake in the Existing Zoning (continued)

- # **The inferences of the Petitioner that the County Council should have been aware that a gasoline service station use is needed in Waverly Woods and that it should have been aware that the Property at the village center is the most appropriate location for such a use do not have much weight due to a lack of evidence to support either point.**

These arguments can be countered by noting that if at the time of the 2004 CZP the Petitioner was aware that a gasoline service station is needed there and that this site in the village center is the most appropriate, why did the Petitioner not come forward at that time and request a zoning change to PEC for that purpose?

E. Evaluation of Site Plan Documentation Factors in Section 100.G.2.d.

1. The proposed Gas Station is well separated from the adjacent properties to the northwest and northeast by the wide paving and right-of-way of Warwick Way and Birmingham Drive. It will be buffered by landscaping along both roads, and screened to a large extent by the main building itself.

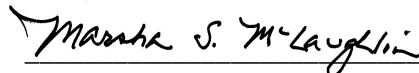
To the southeast and southwest of the Gas Station are a large parking lot and the existing commercial retail and commercial service uses of a grocery store and a bank. The architecture of the Gas Station will compliment the existing village center. Gasoline service station uses are often typically found in association with village centers and other shopping centers. The proposed development will be compatible with the existing and potential land uses of the surrounding areas.

2. The Property is a previously graded site with no environmentally sensitive characteristics or features. Any gasoline service station use on any property must meet stringent Federal and State environmental requirements.
3. The existing village center driveways on Warwick Way and Birmingham Way would be used to access the Gas Station, through the existing parking lot. These existing driveways were originally approved as providing safe access, and have operated safely for many years.
4. For the reasons noted above in the evaluation concerning the General Plan, the proposed Gas Station is found to be compatible with the policies and objectives of the Howard County General Plan.

VI. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that the request to rezone the Property from PEC to B-1, with site plan documentation for the Gas Station development, be **APPROVED**.

The Property is within and part of the Waverly Woods development approved in the Original Zoning case, which itself had a Documented Site Plan. Similarly to the other previous Zoning Board cases within Waverly Woods that are mentioned in this Technical Staff Report, if the Zoning Board decides to approve this petition and the associated site plan documentation, the Zoning Board also needs to approve an amendment to the Documented Site Plan for ZB 929S for this change to the overall Waverly Woods development.


Marsha S. McLaughlin, Director

06/27/07

Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.



Howard County

Department of Planning and Zoning

APR 19 PM 3:32

Subject: ZB 1067M – Convenience Retailing, LLC

To: George Beisser, Chief
Division of Public Service and Zoning Administration

From: Cindy Hamilton, Chief *CH*
Division of Land Development

Date: April 19, 2007

On April 12 and 19, 2007, the above referenced petition for rezoning by site development plan was discussed at the SRC. Attached are the comments generated by the Division of Land Development, Development Engineering Division and Fire & Rescue Services.

Based on these comments, the SRC has determined that the plan has the potential to comply with technical requirements without substantial changes.

CH/cs/zb1067m

ZB 1067M—Convenience Retailing, LLC
Division of Land Development Comments
April 17, 2007

1. The developer is advised that to reconfigure existing Parcel B will require the processing of a resubdivision plat. This revision plat may be processed concurrently with the required Site Development Plan (SDP), but the SDP will not be granted signature approval until the resubdivision plat has been recorded.
2. Prior to the signature approval of the required SDP, it will be necessary for the developer to red-line the SDP for the existing shopping center (SDP-98-125) to alter the pavement, islands, parking computations, etc.
3. Specific landscaping details/schedules were not included with the submission, so the adequacy of the proposal could not be determined. The developer is advised that full compliance with the Landscape Manual will be required, including, but not limited to, the installation of a Type B landscape buffer where the front or side of the facility adjoins a public or private road and a Type C landscape buffer where the rear of the facility adjoins a public or private road (Type D if loading).
4. A loading space must be provided.

CH/ZB1067M



Howard County

Internal Memorandum

Subject:

Zoning Board Case No: ZB-1067M

Applicant: Convenience Retailing, LLC

Petition: To reclassify the property from a B-1 District to a PEC District.

DATE: March 20, 2007

TO: Division of Zoning Administration and Enforcement
Department of Planning and Zoning

FROM: Development Engineering Division
Department of Planning and Zoning

07 APR 19 PM 3:32

The Development Engineering Division has reviewed the above referenced petition and has no objection.

Based on an examination of the petition, we offer the following comments:

1. The request appears to have no adverse engineering impact on the adjacent properties.
2. All improvements must comply with current Howard County design criteria.

If you have any questions concerning this matter please contact me at extension 2420.

Charles F. Dammers
Chief

CFD/pmt

cc: Marsha S. McLaughlin, Director, Department of Planning and Zoning
James M. Irvin, Director, Department of Public Works
Philip M. Thompson, Engineer, Development Engineering Division
Ronald G. Lepson, Chief, Bureau of Engineering
Reading File
File



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**SRC Agenda
for ZB 1067M – Convenience Retailing, LLC**

TO: Department of Fire and Rescue Services ✓
Environmental Health
Soil Conservation
Development Engineering Division
Department of Inspections, Licenses and Permits
Department of Recreation and Parks

FROM: Cindy Hamilton, Chief *CH*
Division of Land Development

DATE: March 16, 2007

The attached zoning petition ZB 1067M has been scheduled for the April 12, 2007 SRC meeting. This is a petition to rezone the property from a B-1 District to a PEC District with a Documented Site Plan for Convenience Retailing, LLC. In accordance with Section 127.D.4 of the Zoning Regulations, the petition must be reviewed by the SRC to determine if the proposed development has the potential to comply with technical requirements without substantial changes.

If you have any questions, please contact me or Robert Lalush at 313-2350.

CH:hg
Attachment

cc: George L. Beisser, Chief, Division of Public Service & Zoning Administration
Robert Lalush, Planner

**Fire & Rescue Bureau of Life Safety
Plans Review Division
does not object to this request**

John R. ... 4/4/07

07 APR 19 PM 3:32

MEMO TO: Department of Planning and Zoning

FROM: Department of Inspections, Licenses and Permits

Petition No.: **ZB 1067M** Date Due: **04/09/2007**

Date Rec'd: **03/19/2007**

Tax Map No.: **16** Parcel: **429, Parcel B**

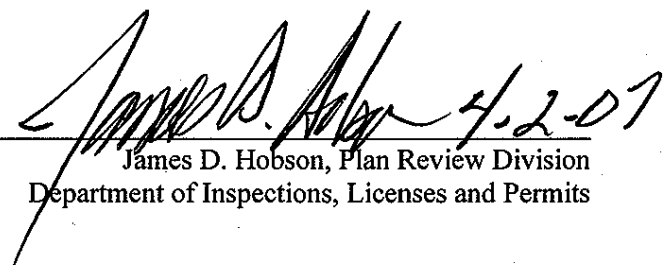
Applicant: **Convenience Retailing, LLC**

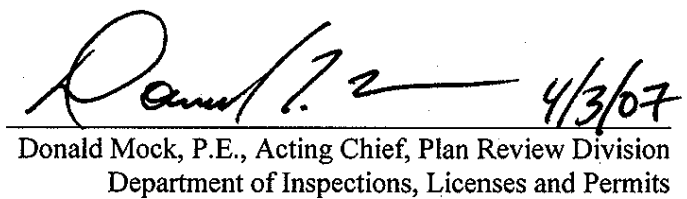
Location/Address: **2101 Warwick Way; Marriottsville**

Nature of Petition: **Re-zone from a B-1 district to a PEC district**

07 APR -3 AM 10:50

This office has **no** objection to the approval of this petition.

 4-2-07
James D. Hobson, Plan Review Division
Department of Inspections, Licenses and Permits

 4/3/07
Donald Mock, P.E., Acting Chief, Plan Review Division
Department of Inspections, Licenses and Permits



Department of Planning & Zoning
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043

Date: April 19, 2007
Re: Waverly Gas Station
ZB-1067M

The above referenced plan has been reviewed by the Howard Soil Conservation District for compliance with sediment control, pond safety, temporary stormwater management, and environmental protection requirements. Results of the review are as follows:

- ☒ Howard SCD approval is not required. However, the following recommendations are being made to the Department of Planning & Zoning.
- () The plan is approved, subject to signatures being placed on the original(s). Any alterations to the plan shall void approval.
- () Address all comments which, due to their minor nature, may be addressed directly on the original(s) at the time of formal signature approval. There is no need to resubmit the plan.
- () Address all comments as noted below and resubmit the plan for further review.
- () With written permission from the Department of Planning & Zoning (DPZ), the applicant may provide a direct submission to our office for review and approval. DPZ understands the risk of delays to deadlines during Howard SCD review.

Page 1 of 1


REVIEW COMMENTS:

1. The issues the Howard SCD would concern it with, i.e., wetlands, streams, their buffer, etc. do not appear to be present on this site. Accordingly, the Howard SCD offers no comments for this project.

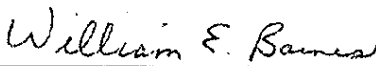
07 APR 24 AM 9:18

Warning: All soils have limitations, ranging from slight to severe, for building homes, constructing roads and ponds, and various other uses. Please consult the *Soil Survey of Howard County* for determining soil types and their suitability for development, engineering and building.

Technical Review by:


Bob Robertson, Engineering Specialist

Approved by:


William E. Barnes, District Manager (Acting)



Howard County
Health Department

Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Pennv E. Borenstein, M.D., M.P.H., Health Officer

MEMORANDUM

TO: Cindy Hamilton, Chief
Division of Planning & Zoning Administration

FROM: Michael J Davis *mjd*
Director,
Well & Septic Programs

DATE: April 2, 2007

RE: Petition # ZB-1067M

07 APR -2 PM 1:47

The Department of Health has no objection to the proposed change of zoning on a property served by public water and public sewer.

MJD

Major Collector - 100 ft. R.O.W. Width

Major Anchor

Freestanding Pad Site

Cart Path/
Community Pathway
To Clubhouse

Terminate Entrance Drives
with an Architectural Feature

Formal Tree Plantings
Strengthen
Architectural Elements

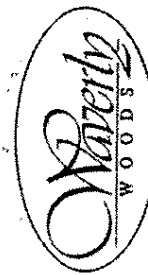
Parking Ratio Illustrated is
5 Spaces/1000 SF of
Gross Floor Area (Retail)

Existing Vegetation to be
Preserved Where Possible

Secondary Anchor

Cafe Terrace Overlooking Golf

Evergreen Tree Massings and
Brick Walls Screen Service
Areas From Golf



Not To Scale

EXHIBIT 7

VILLAGE CENTER SITE PLAN

HOWARD COUNTY, MARYLAND

LDR
landscape design

